

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MICHAEL GALVAN, Individually and	§	
on Behalf of All Others Similarly Situated,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 4:17-cv-01543
	§	
DNV GL USA, INC. f/k/a DET NORSKE	§	JURY TRIAL DEMANDED
VERITAS (USA), INC.,	§	
	§	
Defendant.	§	

**PLAINTIFF’S RESPONSE IN OPPOSITION TO DEFENDANT DNV GL USA, INC.’S
MOTION FOR PARTIAL SUMMARY JUDGMENT
TO DISMISS UNTIMELY AND/OR UNAUTHORIZED OPT-INS**

On May 4, 2018, Defendant filed a motion captioned as a motion for partial summary judgment (Dkt. #19). However, Defendant’s motion is not a proper summary judgment motion in that it does not seek judgment on a legal issue as to which there was no genuine issue of material fact. Instead, Defendant’s motion is predicated upon a factual dispute as to the meaning of a particular line item in the Court’s scheduling order (Dkt. #9).

Procedural defects aside—and to the extent that briefing is needed—Plaintiff has already addressed Defendant’s arguments on opt-in deadlines in Plaintiff’s recently-filed Motion for Leave to File Opt-In Consent Form (Dkt. #24). Pursuant to Rule 10 of the Federal Rules of Civil Procedure, Plaintiff incorporates here by reference his arguments made therein.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Court deny Defendant’s Motion for Partial Summary Judgment, and grant Plaintiff such other and further relief, at law and in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

/s/ Alex Mabry

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CERTIFICATE OF SERVICE

This is to certify that, on May 18, 2018, a copy of the foregoing instrument was served upon counsel for all parties of record via the Court's electronic case filing system.

/s/ Alex Mabry

Alex Mabry